

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4218 of 2017

- Dilip Singh Rathore S/o Late P.S. Rathore, Aged About 65 Years Caste Kshatriya Rajput, R/o Street No. 12, Plot No. 75/07 Nehru Nagar (East) Bhilai, Police Station Supela Bhilai, Tehsil & District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Manish Sharma, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.177/2017 registered at Police Station Durg for the offence punishable under Section 393, 398, 120(B) & 201 & 34 of IPC and Section 25 & 27 of the Arms Act.

3. Case of the prosecution is that the applicant prepared a design of dacoity in the premises of IIFL Gold Company, where the petitioner was earlier employed as a Security Officer.

4. Learned counsel for the applicant argued that the prosecution case stands on a very weak footing, in as much as, there is no evidence that the applicant himself was present at the spot. He also submits that no recovery has been made from the applicant and the seizure witnesses have turned hostile, and therefore, at present, it cannot be said that there was any material to implicate the applicant in the alleged commission of offence.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the case of prosecution, in so far as present applicant is concerned, strongly relies upon a handwritten design and plan of dacoity prepared by the applicant and handed over to one of the accused, from whom, this document was seized. He submits that though trial has already begun, the report of handwriting expert has not been received so far.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the report of handwriting expert is not received, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected. However, the applicant would be at liberty to revive his application for grant of bail soon after the receipt of report of handwriting expert or after two months, whichever is earlier.

Sd/-

(**Manindra Mohan Shrivastava**)

J U D G E